

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:16-CR-00020-KDB-DSC-1**

UNITED STATES OF AMERICA,

v.

TEOFILO SALINAS CERVIN,

Defendant.

ORDER

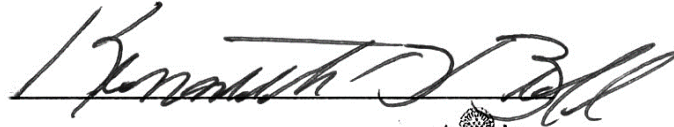
THIS MATTER is before the Court on Defendant's *pro se* motion for application of the Sentencing Commission's recent amendment to U.S.S.G. §4C1.1 in Amendment 821. (Doc. No. 37).

In Defendant's Presentence Report, Defendant had zero criminal history points (Doc. No. 11, ¶ 36). Defendant had a total offense level of 37 and a criminal history category of I. *Id.*, ¶¶ 32, 37. Thus, the applicable guideline range was 210-262 months imprisonment. (Doc. No. 12 at 1). Under the amendment to U.S.S.G. §4C1.1, the Defendant does not qualify to receive a two-level reduction in his offense level because he does not satisfy §4C1.1(a)(7) because he possessed a firearm. (Doc. No. 11, ¶¶ 8, 24).

IT IS THEREFORE, ORDERED, that Defendant's *pro se* request for application of the Sentencing Commission's recent amendment to U.S.S.G. §4C1.1 and reduction in sentence (Doc. No. 37), is **DENIED**.

SO ORDERED.

Signed: November 9, 2023

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

